

proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.

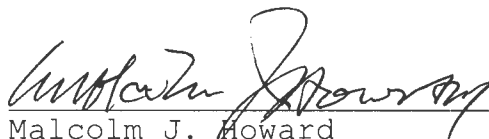
28 U.S.C. § 753(f). While the government must provide indigent criminal defendants with a transcript of prior proceedings under certain circumstances, there is no constitutional requirement that an indigent defendant receive free transcripts to collaterally attack his conviction or sentence. An indigent defendant is not entitled to a transcript at government expense "merely to comb the record in the hope of discovering some flaw." United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963). Thus, an individual requesting a free transcript for post-conviction matters must show a "particularized need" for the transcript. Morin v. United States, 522 F.2d 8, 9 (4th Cir. 1975).

Defendant has not shown a particularized need for a transcript of his sentencing hearing. For the foregoing reasons, defendant's motion [DE #595] is DENIED.

As to defendant's motion to modify sentence, defendant appears to request this court reconsider its order of February 8, 2016, granting him a reduction of sentence from 480 months to 378 months to include an additional adjustment due to his minor role in the offense. Finding such a reduction was not authorized by

the Drug Quantity Table Amendment, the motion [DE #594] is DENIED.

This 31st day of August 2016.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", written over a horizontal line.

Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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